

**CHALKER FLORES, LLP**

INTELLECTUAL PROPERTY LAW

**FAX RECEIVED**

DEC 23 2002

GROUP 1600

**Fax Cover Sheet**

Date: December 20, 2002

To: **Examiner Stephanie Zitomer**  
Technology Center 1600  
Art Unit 1634  
United States Patent and Trademark Office  
Washington, DC

Fax No.: (703) 872-9306

From: Edwin S. Flores

Telephone No.: (214) 866-0001  
Fax No.: (214) 866-0010

Re: Application Serial No.: 09/425,804  
Filing Date: 10/25/1999  
Inventor: Gorenstein, et al.  
Client Matter No.: :UTMB:99B

Total Pages (including cover sheet): 3

Comments: SUPPLEMENTAL RESPONSE TO RESTRICTION  
REQUIREMENT UNDER 35 U.S.C. 121 in response to Communication of  
12/11/02.

**CONFIDENTIALITY NOTICE:**

The documents accompanying this facsimile are intended only for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. Any and all such rights of privilege, privacy, and non-disclosure are hereby claimed and are expressly not waived. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that you have received this message in error and that any review, dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this message in error, please notify us immediately by telephone so that we can arrange for the return of the original document to us at no cost to you.

Tel: 214.866.0001

12700 Park Central, Suite 455  
Dallas, TX 75251  
[dchalker@chalkersflores.com](mailto:dchalker@chalkersflores.com)

Fax: 214.866.0010

#24  
CD

PATENT

Attorney Docket No.: UTMB-99B

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: DAVID G. GORENSTEIN, BRUCE LUXON, NORBERG HERZOG  
and JUDY ARONSON

Serial Number: 09/425,804

Filing Date: October 25, 1999

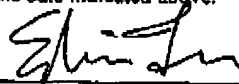
Group Art Unit: 1634

Examiner: S. Zitomer

Title: COMBINATORIAL SELECTION OF OLIGONUCLEOTIDE  
APTAMERS

Date of Transmission: December 20, 2002

I certify that this paper is being transmitted via facsimile to  
Technology Center 1600 at (703) 872-9306 under 37 CFR 1.8  
on the date indicated above.



Edwin S. Flores

Commissioner for Patents  
Washington D.C. 20231

**SUPPLEMENTAL RESPONSE TO RESTRICTION  
REQUIREMENT UNDER 35 U.S.C. 121**

Dear Sir:

Applicants hereby respectfully submit this Reply to the Communication, dated December 11, 2002, due for reply by January 11, 2003. In view of the following election with traverse, consideration and allowance of the claims pending in this Application are respectfully requested. No fees are believed due for this Reply.

SUPPLEMENTAL ELECTION

Applicants elect provisionally, with traverse, the Species set forth as SEQ ID NO: 39, as shown in claim 17, wherein the aptamer is classified in Class 536, subclass 23.1.

CONCLUSION

An action on the merits of all of the claims and a Notice of Allowance thereof are respectfully requested. The Examiner is invited to telephone the undersigned at the telephone number listed below if she has any questions or suggested amendments to the claims.

December 20, 2002.

Respectfully submitted,



Edwin S. Flores  
Reg. No. 38,453  
Attorney for Applicants

Chalker Flores, LLP  
12700 Park Central, Ste 455  
Dallas, TX 75251  
214 866 0001 (T)  
214 866 0010 (F)